

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KNIGHT MPIC VENTURES, LLC, :  
KNIGHT MPIC VENTURES II, LLC AND :  
KNIGHT MPIC VENTURES III, LLC, :

Plaintiffs, :

-against- :

**ORDER**

KRAIG T. HIGGINSON, : 18-CV-8126 (LGS) (KNF)

Defendant. :

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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

On February 4, 2020, the assigned district judge granted the plaintiffs’ motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, finding that the defendant is liable to the plaintiffs “for both the \$3,500,000 in unpaid principal, and Plaintiffs’ reasonable costs and fees, to be determined at a later date.” Docket Entry No. 71. On February 6, 2020, a motion practice scheduling order issued, directing the filing of “a motion for attorneys’ fees,” response and reply by certain dates. Docket Entry No. 72. The plaintiffs filed a motion “for an Order pursuant to the Court’s Order dated February 4, 2020 granting Plaintiffs reasonable attorneys’ fees, awarding them \$385,953.45 in attorney’s fees and interest on the summary judgment award of 13%.” Docket Entry No. 73. An amended order issued referring “Dkt. No. 73 Motion for Attorneys’ Fees” to the undersigned. Docket Entry No. 76.


Although in the February 4, 2020 Opinion and Order the assigned district judge found that the defendant was liable “for both the \$3,500,000 in unpaid principal, and Plaintiffs’ reasonable costs and fees,” and did not address the issue of interest, in the “Conclusion” section of the order the assigned district judge stated that “Plaintiffs are awarded judgment against

Defendant in the amount of \$3,500,000 plus interest and reasonable costs, including reasonable attorneys' fees." Docket Entry No. 71. The plaintiffs' motion for attorney's fees also includes a request for interest and "the Court should apply the parties' pre- and post-contractual interest rates." Docket Entry No. 74. The defendant: (a) opposes the plaintiffs' request for "interest on the summary judgment award of 13% (although the precise amount is not calculated by Plaintiffs in the present motion," arguing that his obligation under the guarantee "is limited to \$3.5 million of the principal amount" and "Plaintiffs are allowed federal statutory post-judgment interest"; and (b) does not oppose an award of attorney's fees, although he disputes the amount. Docket Entry No. 77.

Given that the February 4, 2020 order is ambiguous because in its "Conclusion" section it appears to award the plaintiffs "interest" without finding the defendant liable for any interest or determining the basis for calculating any interest, the parties are directed to seek a ruling from the assigned district judge on the issue of interest.

Dated: New York, New York  
July 2, 2020

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE